

Adopted New Rule:**§363.2. Petition for the Adoption of a Rule**

Please note that this is an ADOPTED rule section, but it will not be in effect until 1/1/2016.

[Please click this link](#) to view the current rules.

Introduction:

The Texas Board of Occupational Therapy Examiners adopts new rule §363.2, concerning the petition for the adoption of a rule. The new rule section, §363.2, prescribes the form for a petition to the Board and the procedure for its submission, consideration, and disposition as provided by Texas Government Code, §2001.021.

§363.2. Petition for the Adoption of a Rule.

(a) In accordance with Texas Government Code, §2001.021, an interested person may petition the Board for the adoption of a rule. In this section, “interested person” has the meaning as defined in Texas Government Code, §2001.021.

(b) The petition must be submitted to the Board and must contain the name and contact information of the interested person and affiliation or organization if any; a description of the rule and the reason for it; the section numbers and titles from the Texas Board of Occupational Therapy Examiners Rules of the rule sections affected if applicable; and the proposed rule text with any added language underlined and any deleted language bracketed. The petition must include a statement of the statutory authority under which the rule is to be adopted and a statement regarding the public benefits anticipated as a result of adopting the rule or the anticipated injury or inequity that could result from the failure to adopt the proposed rule. The petition must be dated and signed by the interested person.

(c) The Board shall evaluate the merits of the proposal.

(d) In accordance with Texas Government Code, §2001.021, the Board shall respond to the petitioner within 60 days of receipt of the petition. The response shall:

(1) advise that rulemaking proceedings will be initiated; or

(2) deny the petition, stating the reasons for its denial.

(e) If the Board initiates rulemaking procedures in response to a petition, the rule text that the Board proposes may differ from the rule text proposed by the petitioner.

(f) Initial petitions for the adoption of a rule shall be presented to and decided by the Board in accordance with the provisions of this section. The Board may refuse to consider any subsequent petition from the same interested person for the adoption of the same or a similar rule submitted within twelve months after the date of the Board’s rejection of the initial petition.